

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

CLERK
SO. DIST. OF GA.

RICKY MITCHELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NOS. CV512-049
CR597-003


O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 6), to which objections have been filed (Doc. 8). After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Respondent's Motion to Dismiss is **GRANTED** and the 28 U.S.C. § 2255 Petition is **DISMISSED**. The Clerk of Court is **DIRECTED** to close this case.

Pursuant to 28 U.S.C. § 2253(c), an appeal may not be taken in this matter unless the court issues a Certificate of Appealability. This certificate may issue only if Petitioner has made a substantial showing of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484 (2000). After careful consideration, the Court finds

no issues in this case that merit the issuance of a Certificate of Appealability. As a result, any request for leave to appeal in forma pauperis must be **DISMISSED AS MOOT.**

SO ORDERED this 28th day of September 2012.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA